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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

6 AUBREY AVERY,

Case No. 3:18-CV-0138-MMD-CLB

7 Plaintiff,

ORDER

8 v.

9 McCORMICK, et al.,

10 Defendants.
11 _____/

12 On August 10, 2020, plaintiff filed a notice of change of address to High Desert
13 State Prison ("HDSP") (ECF No. 39). On February 19, 2021, defendants filed a motion
14 for summary judgment (ECF No. 46). According to the certificate of service, defendants
15 claim to have served the plaintiff via CM/ECF at Northern Nevada Correctional Center
16 ("NNCC") (*Id.* at 20). However, the actual CM/ECF service notification proves that plaintiff
17 was served at HDSP via CM/ECF. (*Id.*) Ten documents have been filed since the notice
18 of change of address was filed and no documents have been returned to sender.

19 The Nevada Department of Corrections ("NDOC") website lists plaintiff as paroled
20 from NDOC since approximately October 2020. However, no legal mail has been
21 returned to this court marked "paroled" as is the custom practice for NDOC law librarians.
22 Defendants shall notify the court on or before **Friday, April 30, 2021** if plaintiff is in NDOC
23 custody or has been paroled. If plaintiff has been paroled, defendants shall advise the
24 reason why plaintiff's legal mail has not been returned to the court from HDSP law library.

25 In the event plaintiff is no longer in NDOC custody, Pursuant to Local Rule IA 3-1,
26 plaintiff must immediately file with the court written notification of any change of mailing
27 address. Failure to comply with this rule may result in dismissal of this action. If plaintiff
28 has been paroled, he shall have until **Friday, May 28, 2021** to file a notice of change of

1 address or this court will recommend that this action be dismissed.

2 **IT IS SO ORDERED.**

3 DATED: April 14, 2021

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UNITED STATES MAGISTRATE JUDGE